

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA**



MINUTES
WEDNESDAY, OCTOBER 15, 2008
City Hall Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE: Palm Springs Air Force ROTC Junior Color Guard, led the Pledge.

INVOCATION: Rev. Kevin Johnson, Bloom in the Desert Ministries, led the Invocation.

ROLL CALL:

PRESENT: Councilmember Hutcheson, Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.

ABSENT: None.

ALSO PRESENT: City Manager Ready, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Police Chief Dominguez administered the Oath of Office to Police Officer Steven Grissom, and introduced the new Police Officer to the City Council.

Police Chief Dominguez provided an update on the activities of the 2008 American Heat Motorcycle Weekend.

Fire Chief Goetz outlined the activities of Fire Prevention Week and the programs offered by the Fire Department.

REPORT OF CLOSED SESSION: City Attorney Holland reported that at 4:30 p.m. the meeting was called to order and the City Council added an Item to the Closed Session Agenda pursuant to G.C. Section 54956.8 Conference with Real Property Negotiator.

ACTION: 1) Make the finding that the Item came to the attention of the City after the posting of the Agenda, there is an immediate need to hear and/or take action on the Item; and 2) Add to the Closed Session Agenda, *Conference with Real Property Negotiator for the property located at 414 North Palm Canyon Drive, City Negotiator David Ready, City Manager, Negotiating Party, Lawrence Rael, Rael Development, Price and Terms of Payment for Purchase. Motion Mayor Pougnet, seconded by*

Mayor Pro Tem Foat, and unanimously carried (4-0) noting the absence of Councilmember Mills.

The City Council then recessed into Closed Session to discuss Items on the posted Closed Session Agenda. No reportable actions were taken, the City Council did provide direction with respect to property negotiations on the City of Palm Springs Golf Course.

ACCEPTANCE OF THE AGENDA:

Councilmember Hutcheson noted his business related abstention on Item 2.I.

Councilmember Weigel requested Item 2.P. be removed from the Consent Calendar for separate discussion.

ACTION: Accept the Agenda as amended. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

1. PUBLIC HEARINGS:

1.A. DESIGNATION OF THE PROPERTIES KNOWN AS "THE CASA CODY HOTEL" LOCATED AT 141 SOUTH CAHUILLA ROAD, 175 SOUTH CAHUILLA ROAD, AND 300 WEST ARENAS ROAD AS CLASS 1 HISTORIC SITES, INCLUDING DESIGNATING THREE ELEMENTS WITHIN THE HOTEL COMPLEX AS CLASS 2 HISTORIC SITES, CASES HSPB 59A, 59B, AND 59C:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 15, 2008.

Mayor Pougnet opened the public hearing, and the following speakers addressed the City Council.

FRANK TYSEN, Applicant, provided the background and history of the acquisition and rehabilitation of the property and requested the City Council approve the historic designations.

RON MARSHALL, Palm Springs Preservation Foundation, stated the support of the Foundation for the historic designation of the property.

No further speakers coming forward, the public hearing was closed.

Mayor Pro Tem Foat stated her support for the project and thanked Frank Tysen for his efforts, and commented on the historic expense of time represented by the properties.

Councilmember Mills requested staff address the color stipulated under the historic designation, and thanked Frank Tysen for his efforts.

ACTION: 1) Adopt Resolution No. 22355, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE STRUCTURE THE WINTER HOUSE AND THE MCCALLUM ERA STONE WALL AT 141 SOUTH CAHUILLA ROAD AS CLASS ONE HISTORIC SITE 59A;" 2) Adopt Resolution No. 22356, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE STRUCTURE THE CASA CODY HOTEL AND THE MCCALLUM ERA STONE WALL AT 175 SOUTH CAHUILLA ROAD AS CLASS ONE HISTORIC SITE 59B, AND DESIGNATING THE OLYMPIC COTTAGE AND THE APACHE LODGE AS CLASS TWO SITES;" and 3) Adopt Resolution No. 22357, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE ORIGINAL ADOBE WALLS AND WOOD SHUTTERS OF THE ADOBE HOUSE AT 300 WEST ARENAS ROAD AS CLASS ONE HISTORIC SITE 59C, AND DESIGNATING THE SOUTH PORTION OF THE EL RINCON HOTEL AND APARTMENT BUILDINGS AS A CLASS TWO HISTORIC SITE." **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

MARNA VAN HORN, stated her support for Items 2.P. and 5.A., and she was available to answer any questions.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: City Manager Ready presented an update of Code Enforcement activities in the City.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., 2.O., and 2.Q. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the October 15, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of September 24, 2008, and October 2, 2008. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:

ACTION: 1) Adopt Resolution No. 22358, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 9-20-08 BY WARRANTS NUMBERED 413890 THROUGH 413934 TOTALING \$73,894.41, LIABILITY CHECKS NUMBERED 1030964 THROUGH 1030984 TOTALING \$152,467.16, FOUR WIRE TRANSFERS FOR \$64,054.92, AND THREE ELECTRONIC ACH DEBITS OF \$1,153,627.43, IN THE AGGREGATE AMOUNT OF \$1,444,043.92, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22359, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1030881 THROUGH 1030963 AND 1030985 THROUGH 1030986 TOTALING \$929,063.68, AND ONE WIRE TRANSFER FOR \$141,412.30, IN THE AGGREGATE AMOUNT OF \$1,070,475.98, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22360, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1030987 THROUGH 1031123 TOTALING \$1,652,513.24, AND ONE WIRE TRANSFER FOR \$755,321.00, IN THE AGGREGATE AMOUNT OF \$2,407,834.24, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS FOR SEPTEMBER 2008:

ACTION: Receive and file Staff Authorized Agreements covering the period September 1 through September 30, 2008. **Approved as part of the Consent Calendar.**

2.E. TREASURER'S INVESTMENT REPORT AS OF AUGUST 31, 2008:

ACTION: Receive and File the Treasurer's Investment Report as of August 31, 2008. **Approved as part of the Consent Calendar.**

2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1751, ZONE TEXT AMENDMENT TO ESTABLISH POLICIES AND STANDARDS FOR NEIGHBORHOOD ENTRY SIGNS IN SINGLE FAMILY NEIGHBORHOODS:

ACTION: Waive further reading and adopt Ordinance No. 1751, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 93.20.03 AND 93.20.10 OF THE PALM SPRINGS ZONING CODE RELATING TO NEIGHBORHOOD ENTRY SIGN." **Approved as part of the Consent Calendar.**

- 2.G. ACCEPT WITH REGRET THE RESIGNATION OF SHELLY SAUNDERS FROM THE HISTORIC SITE PRESERVATION BOARD:**
ACTION: 1) Accept with regret the resignation of Shelly Saunders; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2010. **Approved as part of the Consent Calendar.**
- 2.H. SUMMARY VACATION OF A PORTION OF BARISTO ROAD IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST:**
ACTION: Adopt Resolution No. 22361, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL ITS RIGHT, TITLE, AND INTERESTS TO A PORTION OF BARISTO ROAD, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST; FILE R-08-20." **Approved as part of the Consent Calendar.**
- 2.I. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. 025-N, WITH THE STATE OF CALIFORNIA, FOR USE OF CONGESTION MANAGEMENT AIR QUALITY (CMAQ) FEDERAL-AID FUNDS FOR SAN LORENZO ROAD SHOULDER PAVING:**
ACTION: 1) Adopt Resolution No. 22362, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 025-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$16,000 (\$14,000 CMAQ FEDERAL FUNDS / \$2,000 MEASURE A FUNDS), FOR THE SAN LORENZO ROAD SHOULDER PAVING, CP 08-05, FEDERAL-AID PROJECT NO. CML-5282(030);" and 2) Authorize the City Manager to execute all necessary documents. A5732. **Approved as part of the Consent Calendar, noting the business related abstention by Councilmember Hutcheson.**
- 2.J. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. 026-N, WITH THE STATE OF CALIFORNIA, FOR USE OF HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FEDERAL-AID FUNDS FOR THE INDIAN CANYON DRIVE AT TAMARISK ROAD TRAFFIC SIGNAL:**
ACTION: 1) Adopt Resolution No. 22363, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 026-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R, WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$242,000 (\$217,800 HSIP FEDERAL FUNDS / \$24,200 MEASURE A FUNDS) FOR THE INDIAN CANYON DRIVE AT TAMARISK ROAD TRAFFIC SIGNAL INSTALLATION, CP 06-12, FEDERAL-AID PROJECT NO. HSIPL-5282(028);" and 2) Authorize the

City Manager to execute all necessary documents. A5733. **Approved as part of the Consent Calendar.**

- 2.K. PALM SPRINGS CONVENTION CENTER RECYCLING POLICY:**
ACTION: Adopt Resolution No. 22364, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A RECYCLING POLICY FOR THE PALM SPRINGS CONVENTION CENTER." **Approved as part of the Consent Calendar.**
- 2.L. ACQUISITION OF RIGHT-OF-WAY FOR THE INDIAN CANYON DRIVE / INTERSTATE 10 INTERCHANGE WIDENING PROJECT:**
ACTION: Adopt Resolution No. 22365, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO APPROVE THE ACQUISITION OF RIGHT-OF-WAY FOR THE INDIAN CANYON DRIVE/INTERSTATE 10 INTERCHANGE PROJECT, CP 00-14, CALTRANS EA 455700." **Approved as part of the Consent Calendar.**
- 2.M. CONFLICT OF INTEREST CODE, 2008 BIENNIAL NOTICE FOR RECEIVE AND FILE PURSUANT TO THE POLITICAL REFORM ACT:**
ACTION: 1) Receive and File the 2008 Local Agency Biennial Notice; and 2) Direct staff to promulgate the necessary amendments and return to the City Council in December for adoption pursuant to the Political Reform Act. **Approved as part of the Consent Calendar.**
- 2.N. ACCEPT A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR A SEATBELT AND CHILD SAFETY SEAT COMPLIANCE PROJECT IN THE AMOUNT OF \$39,914.00:**
ACTION: 1) Accept a grant from the California Office of Traffic Safety, California Berkeley Traffic Safety Center, for a Seatbelt and Child Safety Seat Compliance Project in the amount of \$39,914.00; and 2) Authorize the City Manager to execute all necessary documents. A5734. **Approved as part of the Consent Calendar.**
- 2.O. ACCEPT WITH REGRET THE RESIGNATION OF KIMBERLY NICHOLS FROM THE BOARD OF LIBRARY TRUSTEES:**
ACTION: 1) Accept with regret the resignation of Kimberly Nichols; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2009. **Approved as part of the Consent Calendar.**
- 2.Q. ACCEPT WITH REGRET THE RESIGNATION OF MATT BOUSQUETTE FROM THE BOARD OF LIBRARY TRUSTEES:**
ACTION: 1) Accept with regret the resignation of Matt Bousquette; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2010. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.P. CONTRACTUAL SERVICES AGREEMENT WITH THE PALM SPRINGS ECONOMIC DEVELOPMENT CORPORATION FOR IMPLEMENTING A BUSINESS RETENTION VISITATION PROGRAM IN THE AMOUNT OF \$30,000:

Councilmember Weigel stated this has been a priority for the City Council, and requested staff address if the City requires a business plan prior to the issuance of a business license.

Mayor Pro Tem Foat commented on the history and the development of business retention procedures and programs.

ACTION: 1) Approve an agreement with the Palm Springs Economic Development Corporation for implementing a business retention visitation program in the amount of \$30,000; 2) Authorize the City Manager to execute all necessary documents; and 3) Adopt Resolution No. 22366, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE FISCAL YEAR 2008-09 BUDGET." A5735. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

The City of Palm Springs Community Redevelopment Agency convened at 6: 39 p.m. as a Joint Meeting with the City Council.

RA. COMMUNITY REDEVELOPMENT AGENCY:

RA1. NON-EXCLUSIVE LEASE AGREEMENT WITH VERIZON WIRELESS FOR USE OF FLOOR, ROOFTOP, ANTENNA, AND CABLING SPACE ON THE TOP DECK OF THE CITY-OWNED PARKING STRUCTURE LOCATED AT 295 SOUTH INDIAN CANYON DRIVE:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated October 15, 2008.

Councilmember Mills requested staff address the purpose and benefits to the City for allowing the use on the City parking structure, the building of a structure on top of the elevator shaft, and stated his concerns with being unable to conceal the tower with landscaping or other materials.

Councilmember Hutcheson stated he would like for the project to be considered by the AAC and the Planning Commission.

Mayor Pro Tem Foat commented on the design and requested staff address the cable and the location of the equipment.

MOTION: 1) Approve an agreement with Verizon Wireless, City of Palm Springs, and the City of Palm Springs Community Redevelopment Agency, for non-exclusive use of the City-owned parking structure to provide floor, rooftop, antenna, and cabling space on the top deck of the parking structure located at 295 South Indian Canyon Drive; and 2) Authorize the City Manager/Executive Director to execute all necessary documents. **Motion Councilmember Hutcheson, seconded by Mayor Pougnet and failed 2-3 on a roll call vote.**

AYES: Councilmember Hutcheson and Mayor Pougnet.

NOES: Councilmember Mills, Mayor Pro Tem Foat, and Councilmember Weigel.

The City of Palm Springs Community Redevelopment Agency adjourned at 6:47 p.m., and the City Council continued.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. **APPROVE AN AGREEMENT WITH RICH PARZINSKY POOLS, INC., FOR THE RAINMAKER FOUNTAIN REPAIRS, IN THE AMOUNT OF \$63,500:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated October 15, 2008.

Councilmember Mills requested staff address the warranty on the project.

Mayor Pro Tem Foat requested staff address the qualifications of the contractor and the supervision of the contractor.

Councilmember Hutcheson requested staff comment on the funding for the repairs.

ACTION: 1) Approve an agreement with Rich Parzinsky Pools, Inc., for the Rainmaker Fountain Repairs, in the amount of \$63,500, CP 08-02; 2) Adopt Resolution No. 22367, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE FISCAL YEAR 2008-09 BUDGET;" 3) Authorize the City Manager to execute all necessary documents. A5736. **Motion Councilmember Weigel, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Foat, and Councilmember Weigel.
NOES: Mayor Pougnet.

5. NEW BUSINESS:

5.A. DECISION TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION FINDING OF INCONSISTENCY FOR THE RETAIL COMMERCIAL CENTER LOCATED AT THE SOUTHEAST CORNER OF RAMON ROAD AND GENE AUTRY TRAIL, CASE 5.1161:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 15, 2008.

Mayor Pro Tem Foat requested staff address the letter submitted by the Riverside County Airport Land Use Commission.

ACTION: Adopt Resolution No. 22368, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OVERRULING THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION FINDING OF INCONSISTENCY FOR THE RETAIL COMMERCIAL CENTER LOCATED AT THE SOUTHEAST CORNER OF RAMON ROAD AND GENE AUTRY TRAIL, ZONE M-1, SECTION 20." **Motion Mayor Pro Tem Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

5.B. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE "JACKIE LEE HOUSTON PLAZA" DESIGN REVIEW SUBCOMMITTEE:

ACTION: Appoint Mayor Pougnet and Councilmember Mills to the City Council "Jackie Lee Houston Plaza" Design Review Subcommittee. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

5.C. REPORT FROM THE CITY COUNCIL AIRPORT LIAISON REGARDING THE PROPOSED REPLACEMENT CONTROL TOWER:

Councilmember Mills reported on a meeting with the FAA and staff at the Palm Springs Airport for the replacement of the Control Tower at the Palm Springs International Airport. Councilmember Mills stated the FAA contracted with architects for a base plan for all airport towers, but stated the FAA may allow the City to work with the architect to create a special look to the Tower for Palm Springs.

No action taken.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills commented on the placement of vendors at the American Heat 2008 Motorcycle Weekend event, stated the concept would work for VillageFest, and stated the promoter is not meeting the promises made to the City.

Councilmember Hutcheson commented on the 2008 American Heat Motorcycle Weekend event and thanked the Police Department for their efforts toward the event, and requested the City Manager add a discussion of the City's investments to the upcoming budget discussion and update.

Mayor Pougnet requested the City Manager provide the City Council with the timelines for the Tahquitz Canyon Median and City Hall parking lot landscape project.

Mayor Pro Tem Foat questioned if landscaping could be proposed on Civic Drive at the new street closure during the Tahquitz Canyon Median landscape project.

ADJOURNMENT: The City Council adjourned at 7:09 p.m. to a Study Session, Wednesday, October 22, 2008, at 6:00 P.M. in the Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
5TH DAY OF NOVEMBER, 2008.**


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK